

1) request for February 27, 2006
proposed changes

Page 1 of 12
copy retained

2) request for any changes
after February 27, 2006

3) non-technical written
public comment on
proposed changes received
from Davidson

April 5, 2006
135 Rincon Valverde
Ponderosa, NM
87044

2006 APR 10 11 19 AM '06

Ms Florene Davidson
Division Administrator
State of New Mexico
Energy, Minerals and Natural Resources
Department
Oil Conservation Division
1220 St Francis Drive
Santa Fe, NM 87505

Dear Administrator Davidson,

Pertaining to Albuquerque Journal,
March 31, 2006. Classified Legal
CASE NO. 13586: APPLICATION OF THE
NEW MEXICO OIL CONSERVATION DIVI-
SION FOR REPEAL OF EXISTING
RULES 709, 710 AND 711 CONCERN-
ING SURFACE WASTE MANAGEMENT

wherefore it was announced that the
New Mexico Oil Conservation Division
gave notice to conduct a public
hearing at 9:00 AM on Thursday,

April 5, 2006

April 20, 2006, in Santa Fe, concerning proposed amendments that will rewrite rules concerning surface waste management now found in 19.15.1.7, NMAC and Sections 709, 710 and 711 of 19.15.9 NMAC; I would like to make a request and then, after my request, I would like to submit my non-technical written public comment. Please mail me, immediately, copies of the text of the proposed amendments so that I might verify for myself that the non-technical written public comment that I am about to make may need to be revised. I will be more than willing to revise what is to follow and send it to you, Administrator Davidson, in as timely a manner as is possible to revise before the April 13, 2006 deadline.

My non-technical written public comment concerning matters of the aforementioned April 20, 2006 public hearing, being held by the New Mexico Oil Conservation Division

comment begins line 3 April 5, 2006

Commission is as follows:

-beginning of comment -

" I read an Albuquerque Journal September 27, 2005 article, " Oil Industry Target of Campaign ", which I felt to be misrepresentational of Governor Bill Richardson's; Environment Department Chief of Groundwater Quality Bureau, Bill Olsen's; and Energy, Minerals and Natural Resources Department Oil Conservation Division Secretary Joanna Prukop's efforts to authorize the Oil Conservation Division Commission to strengthen its rules for governing how pits are closed and reclaimed, and toughen other of its waste disposal rules. This comes on the heels of OCD proposing to give itself stronger enforcement tools, raise the amount of financial assurance bonds and deny permits to operators with bad records. An oil industry that is headlined, or considered, as the target of a campaign meant to give some of the huge profits earned in 2005

comment cont

April 5, 2006

back to its neighbors and communities, in the form of stronger environmental protection, cannot then consider its efforts in line to protect groundwater in New Mexico. The Precautionary Principle is not in place to be manipulated by the Industry, with its bevy of lawyers,

On October 13, 2005, I read a Classified Legal, Albuquerque Journal, NOTICE OF HEARING STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION SANTA FE, NEW MEXICO.

It said that this hearing was to be held on November 10, 2005 (Case 13586) on the application of the New Mexico Oil Conservation Division for the repeal of existing Rules 709, 710 and 711 concerning surface waste management and adoption of new rules governing surface waste management (repeal of OCD Rules 709, 710 and 711 of 19.15.9 NMAC); and adoption of new rules to govern the transportation and disposition of produced water and other oilfield

comment cont... April 5, 2006
wastes; and the permitting and operation of surface waste management facilities. Details in this notice went on to say that the proposed amendments would extend permitting requirements for carriers of produced water; extend rules concerning surface disposition of produced water so they will apply to all oilfield wastes; change the procedures for permitting existing surface waste management facilities modifications; change the procedures for permitting new surface waste management facilities; prohibit disposal of salt-contaminated wastes in landfarms; and adopt other regulations concerning surface waste management facilities.

As instructed, I sent off DRRAUSPS# 7005 1820 0000 0608 5275, letter dated October 14, 2005, to Division Administrator Florence Davidson, New Mexico Energy, Minerals and Natural Resource Department Oil Conservation Division, requesting all materials published as available in this October 13,

comment cont.

April 5, 2006

2005 Notice of Hearing. On October 19, 2005, Administrator Davidson responded, sent preliminary docket for the hearing of this case that was scheduled at the time for November 10, 2005 (Docket No. 36-05), as well as the existent regulations and proposed regulations pertinent to said hearing. On October 27, 2005, after review of what was sent, I responded and sent off my non-technical written public comment on the proposed changes, DRRAUSPS # 7005 1820 0000, 0608 6241. I did not submit any Notice of Entry of Appearance or Notice of Intent to Present either Technical or Non-Technical Oral Testimony or Oral Public Comment at said hearing. My October 27, 2005 non-technical written public comment was as follows:
-beginning of October 27, 2005 non-technical written public comment on proposal for November 10, 2005 hearing-

Proposed Surface Waste Manage-

comment cont

April 5, 2006

19.15.2.51 'Transportation of Produced Water, Drilling Fluids And Other Liquid Oilfield Waste', A.-E.;
19.15.2.52 'Disposition of Produced Water and Other Oilfield Wastes', A.-C.;
19.15.2.53 'Surface Waste Management Facilities', A.-I. 2.; need to be adopted.
Existing Rules 19.15.9.709 'Removal of Produced Water From Leases And Field Facilities', A.-D.; 19.15.9.711 'Applicable To Surface Waste Management Facilities Only'; A.-E.3.; need to be repealed. However, making the amendment conditional upon the repeal instead of the repeal conditional upon the amendment is not the correct order of unfolding. If one nanosecond is allowed to pass, probably, if even less time than that is allowed to pass with the technology we are dealing with these days, in which 19.15.9.709-19.15.9.711 E.3. are repealed and 19.15.2.51-19.15.2.53, A.-I.2. are not yet on the books then a window is created where activities which are not allowed in 19.15.9.709-19.15.9.711 E.3.

comment cont

April 5, 2006

AND 19.15.2.51-19.15.2.53, A.-I.2
will happen until 19.15.2.51-19.15.2.53.
A.-I.2, go on the books. A moratorium
on all activities outlawed in 19.15.2.53,
A.-I.2, must begin immediately, a legal
moratorium 'in the books' to prevent this.
Do not repeal Existing Rules until Proposed
Rules take effect. Otherwise this is a
grandfathering giveaway before the
axe falls just like we in the Vallecito
are seeing happening with BLM and
gypsum mining in the Ojito near
San Isidro, New Mexico. If the pro-
per order is not taken here the stage
is being set for developers to suck
taxpayers dry in the aftermath of
Probo's (I meant Pombo's) erosion of
the 1973 Environmental Protection Act,
as well as the Endangered Species Act
and resultant defining of critical
habitat. Draw the line in the sand.
The party is over.

This scenario resembles Secre-
tary of State Condoleezza Rice's recent

comment cont April 5, 2006
dialogue with the Koreans over the
Koreans giving up their nuclear pro-
gram. The North Koreans demand that,
in exchange for giving up their nuclear
program they be provided with light-water
nuclear reactors. Condi Rice's reply,
and the Bush Administration's platform,
is that this issue should be tackled
with the North Koreans only after
Pyongyang has verifiably dismantled
its weapons effort. New Mexico Oil
Conservation, in Case 13586 needs to
put the proposed rules into effect, then
repeal the existing laws.!

-end of October 27, 2005 non-technical
written public comment on proposal
for November 10, 2005 hearing -

It was at this time I began
receiving much needed but; at the
same time; disappointingly demeaning
correspondence from other parties
involved in this case who didn't take
the time to address what was served
to me correctly. I did not correspond
with any of the parties concerning

comment cont.

April 5, 2006.

this as I did not think it proper, if I was to maintain impartiality. I request to no longer be misidentified, as I have since December 19, 2005, by Domenici Law Firm, P.C.; Holland & Hart; Belin & Sugarman; D.A. Nepper; and Huffaker & Moffett LLC. My name is not Rebecca G. Percy-Pipin. My zip code is neither 87504 nor 87404. I request that my identity be correct, in the record of all attempts to go forward with this hearing, since my October 14, 2005 request was received by Administrator Davidson, and henceforth in addressing of all documents on this hearing sent to me, in it shown as follows:

Rebecca G. Perry-Piper
135 Rincon Valverde
Ponderosa, NM 87044

I will not be able to attend the April 20, 2005 aforementioned hearing in person or by telephone. I will, instead, submit this April 5, 2006

comment cont April 5, 2006
non-technical written public comment
to Administrator Davidson, to meet
deadline. If I do not submit any
further revisions before deadline
this comment stands as final.

The March 9, 2006 submission
of The Industry Committee's General
Comments and Specific Comments
on Surface Waste Management, Facili-
ties Definitions, permitting requirements,
application, public notice, financial
assurance, specific requirements
applicable to landfills, specific
requirements applicable to permit-
ted landfills, small landfills,
closure and post-closure were time-
ly and substantive. The March 10, 2006
submission of New Mexico Citizens
For Clean Air & Water, Inc. comments
on February 27, 2006 changes to the
proposed rules and or the Industry
Committee's request for a hearing
continuance were timely and substantive.
Please put a moratorium on all
activities in violation of the proposed

comment ends Line 13

April 5, 2006

rules (issue an emergency order to
cease both processing of applications
under 711 and 'deep burial' practices)
until you are able to simultaneously put
the rules Davidson sent me October 19, 2005 into
and take the existing rules off the books. This
stands through any appeals or tiering.

Respectfully,

Rebecca G. Perry-Piper

Rebecca G. Perry-Piper "

-end of comment -